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U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
0444.035

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTSBox Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**TOTAL-REFLECTION X-RAY FLUORESCENCE APPARATUS AND METHOD USING A DOUBLY-CURVED OPTIC**

and invented by:

Zewu Chen

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 25 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (if applicable)
  - c.  Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d.  Reference to Microfiche Appendix (if applicable)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (if drawings filed)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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**Application Elements (Continued)**

3.  Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a.  Formal      b.  Informal      Number of Sheets \_\_\_\_\_ 7

4.  Oath or Declaration  
a.  Newly executed *(original or copy)*       Unexecuted  
b.  Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c.  With Power of Attorney       Without Power of Attorney  
d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5.  Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.

6.  Computer Program in Microfiche

7.  Genetic Sequence Submission *(if applicable, all must be included)*  
a.  Paper Copy  
b.  Computer Readable Copy  
c.  Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8.  Assignment Papers *(cover sheet & documents)*

9.  37 CFR 3.73(b) Statement *(when there is an assignee)*

10.  English Translation Document *(if applicable)*

11.  Information Disclosure Statement/PTO-1449       Copies of IDS Citations

12.  Preliminary Amendment

13.  Acknowledgment postcard

14.  Certificate of Mailing  
 First Class     Express Mail *(Specify Label No.):* EL690558689US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

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**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)

16.  Small Entity Statement(s) - Specify Number of Statements Submitted: One (1)

17.  Additional Enclosures (*please identify below*):  


**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	40	- 20 =	20	x \$9.00	\$180.00
Indep. Claims	4	- 3 =	1	x \$39.00	\$39.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$380.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$599.00</b>

A check in the amount of \$599.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 08-1935 as described below. A duplicate copy of this sheet is enclosed.

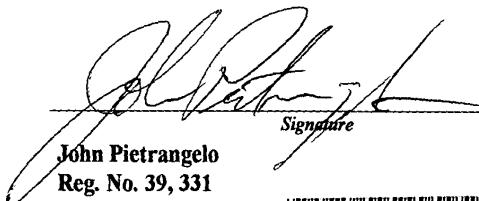
Charge the amount of \_\_\_\_\_ as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: September 22, 2000

  
 Signature  
 John Pietrangelo  
 Reg. No. 39,331

Customer No.:



**23405**

PATENT TRADEMARK OFFICE

CC:

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

In Re Application of: Zewu Chen

Title: TOTAL-REFLECTION X-RAY FLUORESCENCE APPARATUS AND METHOD  
USING A DOUBLY-CURVED OPTIC

Attorney Docket No.: 0444.035

"EXPRESS MAIL" MAILING LABEL NO. EL690558689US

Date of Deposit: September 22, 2000

I hereby certify that this paper is being deposited with the U.S. Postal Service  
"Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the  
date indicated above and addressed to Assistant Commissioner for Patents,  
BOX PATENT APPLICATION, Washington, D.C. 20231

RE: New U.S. Patent Application

Enclosed:

- \* Utility Patent Application Transmittal; (3 pgs),(in duplicate);
- \* U.S. Patent Application (Specification 18 pgs., claims 6 pgs, and Abstract, 1 pg;
- \* Sheets of Informal Drawings (7 sheets);
- \* Declaration and Power of Attorney for Patent Application, (Signed)(3 pgs) ;
- \* Verified Statement Claiming Small Entity Status;
- \* Executed Assignment (2 pages);
- \* Recordation Form Cover Sheet (1 page);
- \* Check in the amount of \$ 599.00 for Filing Fee; \$40 for Recordation Fee);
- \* EFS Data Sheet (1 pg.);
- \* Certificate of Express mail (label no.EL690558689US; and
- \* One (1) postcard.

Coleen Chambers

(Typed or printed name of person mailing paper or fee)



<b>VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN</b>				Docket No. 0444.035
Serial No.	Filing Date September 22, 2000	Patent No.	Issue Date	
<p>Applicant/ <b>Zewu Chen</b> Patentee:</p> <p>Invention: <b>TOTAL-REFLECTION X-RAY FLUORESCENCE APPARATUS AND METHOD USING A DOUBLY-CURVED OPTIC</b></p>				
<p>I hereby declare that I am:</p> <p><input checked="" type="checkbox"/> the owner of the small business concern identified below;  <input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p>				
<p>NAME OF CONCERN: <b>X-Ray Optical Systems, Inc.</b></p> <p>ADDRESS OF CONCERN: <b>30 Corporate Circle, Albany, New York 12203</b></p>				
<p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>				
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.  <input type="checkbox"/> the application identified above.  <input type="checkbox"/> the patent identified above.</p>				
<p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p>				

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern or organization exists.
- each such person, concern or organization is listed below.

FULL NAME

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ADDRESS

Individual       Small Business Concern       Nonprofit Organization

FULL NAME

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ADDRESS

Individual       Small Business Concern       Nonprofit Organization

FULL NAME

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ADDRESS

Individual       Small Business Concern       Nonprofit Organization

FULL NAME

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ADDRESS

Individual       Small Business Concern       Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David Usher, Director of Business Operations

TITLE OF PERSON SIGNING

OTHER THAN OWNER: 30 Corporate Circle, Albany, New York 12203

ADDRESS OF PERSON SIGNING:

SIGNATURE:

DATE: September 22, 2000